

Attach. F

The First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

Attachment F

1.11.13

DRAFT

LLS NO. 13-0160.01 Chuck Brackney x2295

SUNSET BILL

Sunset Process - Senate Business,  
Labor, and Technology Committee

**SHORT TITLE:** "Sunset Examining Board Of Plumbers"

**DEADLINES:** Finalize by: 23 JAN 2013 File by: 25 JAN 2013

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE EXAMINING BOARD OF  
102 PLUMBERS.

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Sunset Process - Senate Business, Labor, and Technology Committee.** The bill continues the examining board of plumbers and the statutory article governing the regulation of plumbers until September 1, 2024.

The standards of the international plumbing code are made the

minimum standards for plumbing in the state. The board is further directed to adopt a fuel gas code for the inspection of gas piping installations.

The board is given authority to conduct inspections in local jurisdictions. The board may make a finding that a local jurisdiction has failed to meet the minimum requirements of state law.

The bill repeals existing provisions requiring dual certification of fire sprinkler inspectors and allowing plumbing work to continue if an inspection is not completed within 5 days.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**  
3 (44) (d); and **add** (55) (a) as follows:

4 **24-34-104. General assembly review of regulatory agencies**  
5 **and functions for termination, continuation, or reestablishment.**

6 (44) The following agencies, functions, or both, ~~shall~~ terminate on July  
7 1, 2013:

8 (d) ~~The examining board of plumbers, created by article 58 of title~~  
9 ~~12, C.R.S.;~~

10 (55) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, TERMINATE  
11 ON SEPTEMBER 1, 2024:

12 (a) THE EXAMINING BOARD OF PLUMBERS, CREATED BY ARTICLE  
13 58 OF TITLE 12, C.R.S.

14 **SECTION 2.** In Colorado Revised Statutes, 12-58-102, **amend**  
15 (4) and **add** (4.3) as follows:

16 **12-58-102. Definitions.** As used in this article, unless the context  
17 otherwise requires:

18 (4) "Colorado plumbing code" OR "THE CODE" means a code  
19 established by the board that consists of standards for plumbing  
20 installation, plumbing materials, conservation, medical gas, sanitary

1 drainage systems, and solar plumbing that could directly affect the  
2 potable water supply BASED ON THE INTERNATIONAL PLUMBING CODE.

3 (4.3) "COLORADO FUEL GAS CODE" MEANS A CODE ESTABLISHED  
4 BY THE BOARD THAT CONSISTS OF STANDARDS FOR THE INSPECTION OF GAS  
5 PIPING INSTALLATIONS THAT IS BASED ON THE INTERNATIONAL FUEL GAS  
6 CODE AND THE INTERNATIONAL RESIDENTIAL CODE.

7 **SECTION 3.** In Colorado Revised Statutes, 12-58-103, **amend**  
8 (5) as follows:

9 **12-58-103. Examining board of plumbers - repeal of article.**

10 (5) This article is repealed, effective ~~July 1, 2013~~ SEPTEMBER 1, 2024.  
11 Prior to such repeal, the examining board of plumbers shall be reviewed  
12 as provided for in section 24-34-104, C.R.S.

13 **SECTION 4.** In Colorado Revised Statutes, 12-58-104, **amend**  
14 (1) (e) and (1) (f); **repeal** (1) (k); and **add** (1) (l) and (1) (m) as follows:

15 **12-58-104. Powers of board - fees - rules.** (1) In addition to all  
16 other powers and duties conferred or imposed upon the board by this  
17 article, the board is authorized and empowered to:

18 (e) In accordance with the provisions of article 4 of title 24,  
19 C.R.S., prescribe, enforce, amend, and repeal rules and regulations  
20 governing the plumbing, drainage, sewerage, and plumbing ventilation of  
21 all buildings in this state. IN ADOPTING SUCH RULES AND REGULATIONS,  
22 THE BOARD SHALL BE GOVERNED BY THE STANDARDS IN THE MOST  
23 CURRENT EDITION OF THE INTERNATIONAL PLUMBING CODE OR BY ANY  
24 MODIFICATIONS TO SUCH STANDARDS MADE BY THE BOARD AFTER A  
25 HEARING IS HELD PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF TITLE 24,  
26 C.R.S. THESE STANDARDS ARE ADOPTED AS THE MINIMUM STANDARDS  
27 GOVERNING THE PLANNING, LAYING OUT, AND INSTALLING OR THE MAKING

1 OF ADDITIONS, ALTERATIONS, AND REPAIRS IN THE INSTALLATION OF  
2 PLUMBING, DRAINAGE, SEWERAGE, AND PLUMBING VENTILATION IN THIS  
3 STATE. A COPY OF THE CODE SHALL BE KEPT IN THE OFFICE OF THE BOARD  
4 AND OPEN TO PUBLIC INSPECTION. NOTHING CONTAINED IN THIS SECTION  
5 PROHIBITS ANY CITY, TOWN, COUNTY, OR CITY AND COUNTY FROM  
6 AMENDING PORTIONS OF THE CODE TO BE MORE STRINGENT THAN THE  
7 MINIMUM STANDARDS ADOPTED BY THE BOARD, AND ANY CITY, TOWN,  
8 COUNTY, OR CITY AND COUNTY WHICH AMENDS PORTIONS OF THE CODE TO  
9 BE MORE STRINGENT SHALL FURNISH A COPY THEREOF TO THE BOARD. THE  
10 STANDARDS ADOPTED BY THE BOARD ARE PRIMA FACIE EVIDENCE OF  
11 MINIMUM APPROVED METHODS OF CONSTRUCTION FOR SAFETY TO LIFE  
12 AND PROPERTY. THE AFFIRMATIVE VOTE OF TWO-THIRDS OF ALL  
13 APPOINTED MEMBERS OF THE BOARD IS REQUIRED TO AMEND ANY  
14 STANDARDS DIFFERENT FROM THOSE SET FORTH IN THE INTERNATIONAL  
15 PLUMBING CODE. IF REQUESTED IN WRITING, THE BOARD SHALL SEND A  
16 COPY OF NEWLY ADOPTED STANDARDS AND RULES AND REGULATIONS TO  
17 ANY INTERESTED PARTY AT LEAST THIRTY DAYS BEFORE THE  
18 IMPLEMENTATION AND ENFORCEMENT OF SUCH STANDARDS OR RULES AND  
19 REGULATIONS. SUCH COPIES MAY BE FURNISHED FOR A FEE ESTABLISHED  
20 PURSUANT TO SECTION 24-34-105, C.R.S.;

21 (f) Employ inspectors and charge fees for making inspections of  
22 plumbing work covered by the Colorado plumbing code in those areas  
23 where the local jurisdiction ~~has not adopted its own plumbing code and~~  
24 ~~where that jurisdiction has requested such inspections~~ DOES NOT CONDUCT  
25 INSPECTIONS AND ISSUE PERMITS;

26 (k) ~~Establish minimum requirements and standards for the~~  
27 ~~inspection of multipurpose residential fire sprinkler systems in one- and~~

~~two-family dwellings and townhouses that are part of the potable water supply, by requiring inspectors of multipurpose residential fire sprinkler systems in one- and two-family dwellings and townhouses to be certified by the division of fire prevention and control in the department of public safety pursuant to section 24-33.5-1206.4, C.R.S.~~

(l) FIND, UPON HOLDING A HEARING, THAT AN INCORPORATED TOWN OR CITY, COUNTY, OR CITY AND COUNTY FAILS TO MEET THE MINIMUM REQUIREMENTS OF THIS ARTICLE IF THE LOCAL INSPECTION AUTHORITY HAS FAILED TO ADHERE TO THE MINIMUM STANDARDS REQUIRED BY THIS ARTICLE WITHIN TWELVE MONTHS AFTER THE BOARD HAS ADOPTED THE STANDARDS BY RULE PURSUANT TO THIS SUBSECTION (1);

(m) ISSUE AN ORDER TO CEASE AND DESIST FROM ISSUING PERMITS OR PERFORMING INSPECTIONS UNDER THIS ARTICLE TO AN INCORPORATED TOWN OR CITY, COUNTY, OR CITY AND COUNTY UPON FINDING THAT THE PUBLIC ENTITY FAILS TO MEET THE MINIMUM REQUIREMENTS OF THIS ARTICLE UNDER THIS SUBSECTION (1);

(n) APPLY TO A COURT TO ENJOIN AN INCORPORATED TOWN OR CITY, COUNTY, OR CITY AND COUNTY FROM VIOLATING AN ORDER ISSUED PURSUANT TO PARAGRAPH (l) OF THIS SUBSECTION (1).

**SECTION 5.** In Colorado Revised Statutes, 12-58-104.5, **amend** (1) and (2); and **add** (5) as follows:

**12-58-104.5. International plumbing code - statewide applicability - local amendments - Colorado fuel gas code.** (1) In accordance with the provisions of article 4 of title 24, C.R.S., the board shall establish a Colorado plumbing code, as defined in section 12-58-102 (4).-Such code shall represent, the minimum standards for installation,

1 alteration, and repair of plumbing equipment and systems throughout the  
2 state.

3 (2) Local governments ~~shall be~~ ARE permitted to amend the code  
4 ~~when adopting a plumbing code~~ for their jurisdictions as long as such  
5 amendments are at least equal to the minimum requirements set forth in  
6 the Colorado plumbing code.

7 (5) THE BOARD SHALL ADOPT A COLORADO FUEL GAS CODE FOR  
8 THE GAS PIPING INSTALLATIONS INSPECTION REQUIREMENT OF SECTION  
9 12-58-104 (1) (j).

10 **SECTION 6.** In Colorado Revised Statutes, 12-58-114.5, **amend**  
11 (1); and **add** (8) as follows:

12 **12-58-114.5. Inspection - application - standards.** (1) Any  
13 plumbing or gas piping installation in any new construction or remodeling  
14 or repair, other than manufactured units inspected in accordance with the  
15 provisions of part 7 of article 32 of title 24, C.R.S., except in any  
16 incorporated town or city, any county, or any city and county ~~having its~~  
17 ~~own plumbing code equal to the minimum standards provided in this~~  
18 ~~article~~ THAT CONDUCTS INSPECTIONS AND ISSUES PERMITS, ~~shall~~ MUST be  
19 inspected by a state plumbing ~~inspector in those areas where a local~~  
20 ~~jurisdiction has requested such inspections.~~ INSPECTOR. A state plumbing  
21 inspector shall inspect any new construction, remodeling, or repair subject  
22 to the provisions of this subsection (1) within three working days after the  
23 receipt of the application for inspection. ~~If the inspection is not performed~~  
24 ~~within five working days, work may resume on any such construction,~~  
25 ~~repair, or remodeling.~~ Prior to the commencement of any such plumbing  
26 or gas piping installation, the person making such installation shall ~~make~~  
27 ~~application~~ APPLY for ~~inspection~~ A PERMIT and pay the required fee.

1 ~~therefor.~~ Every mobile home or movable structure owner shall have the  
2 plumbing and gas piping hookup for such mobile home or movable  
3 structure inspected prior to obtaining new or different plumbing or gas  
4 service.

5 (8) IN THE EVENT THAT ANY INCORPORATED TOWN OR CITY, ANY  
6 COUNTY, OR ANY CITY AND COUNTY INTENDS TO COMMENCE OR CEASE  
7 PERFORMING PLUMBING INSPECTIONS IN ITS RESPECTIVE JURISDICTION, IT  
8 SHALL COMMENCE OR CEASE THE SAME ONLY AS OF JULY 1 OF ANY YEAR,  
9 AND WRITTEN NOTICE OF SUCH INTENT MUST BE GIVEN TO THE BOARD ON  
10 OR BEFORE OCTOBER 1 OF THE PRECEDING CALENDAR YEAR. IF SUCH  
11 NOTICE IS NOT GIVEN AND THE USE OF STATE PLUMBING INSPECTORS IS  
12 REQUIRED WITHIN SUCH NOTICE REQUIREMENT, THE RESPECTIVE LOCAL  
13 GOVERNMENT OF THE JURISDICTION REQUIRING SUCH INSPECTIONS SHALL  
14 REIMBURSE THE BOARD FOR ANY EXPENSES INCURRED IN PERFORMING  
15 SUCH INSPECTIONS, IN ADDITION TO TRANSMITTING THE REQUIRED PERMIT  
16 FEES.

17 **SECTION 7.** In Colorado Revised Statutes, 12-58-115, **amend** (1)  
18 as follows:

19 **12-58-115. Municipal and county regulations.** (1) Any city,  
20 town, county, or city and county of this state may provide for the  
21 licensing of plumbing contractors. PLUMBING CONTRACTORS WHO OBTAIN  
22 LOCAL LICENSING MUST ALSO REGISTER WITH THE BOARD IN ACCORDANCE  
23 WITH SECTION 12-58-105 (3).

24 **SECTION 8. Safety clause.** The general assembly hereby finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, and safety.